

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN RE:)	
)	
MOTIONS TO EXTEND TIME)	GENERAL ORDER 06-03
TO OBTAIN CREDIT COUNSELING.)	
)	

Pursuant to 11 U.S.C. § 109(h)(1), an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

11 U.S.C. § 109(h)(3)(A) provides that the credit counseling requirement shall not apply with respect to a debtor who submits to the court a certification that –

- (i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);
- (ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and
- (iii) is satisfactory to the court.

IT IS HEREBY ORDERED, from and after July 1, 2006, debtors requesting an extension of time to obtain credit counseling must file with the petition an affidavit or declaration providing in detail information concerning the reason they were actually unable to obtain credit counseling prior to filing the petition. Simply stating that a foreclosure sale is imminent will not be sufficient. Debtors must explain (1) when they received notice of the foreclosure sale date; (2) when they contacted an attorney concerning bankruptcy or other relief; (3) when they contacted the credit counseling agency; and (4) the reasons, if any, that they delayed contacting the attorney and/or the credit counseling agency.

The court will review each affidavit or declaration to determine if it complies with the requirements of the Code. If it is determined that the affidavit or declaration does not comply with the requirements of the Code, the case will be dismissed.

DATED: June 29, 2006

/s/ Timothy J. Mahoney
Timothy J. Mahoney, Chief Judge